

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

PLAN PROS, Inc.,)
)
 Plaintiff,)
)
 v.)
)
 WILLIAM J. TORCZON, INFINITY)
 HOMES, INC., COBBLESTONE)
 HOMES, INC., BRIAN W. TORCZON,)
 DARLENE M. TORCZON, and)
 CHRIS WILDRICK,)
)
 Defendants.)
)
 _____)

8:08CV136

ORDER

(Briefing Schedule)

On November 16, 2010, State Farm Fire and Casualty Company ("State Farm") filed a motion for leave to intervene (Doc. 149). State Farm issued Contractors Policies to defendants Cobblestone Homes and Infinity Homes (together, "Insureds") and issued Reservation of Rights letters to them. State Farm has taken the position that it is not obliged to indemnify the Insureds for the claims made in this action, except to the extent such claims result from "advertising injury" as that term is defined in the policy.

State Farm requests leave to intervene in this action "for the sole and limited purpose of proposing that the Court provide special verdict interrogatories to the jury so that State Farm and its insureds will be able to determine what portion, if any, of any potential plaintiff's verdict would be covered by the Contractors Policies issued to Infinity Homes, Inc., and Cobblestone Homes, Inc." In this regard,

State Farm does not desire or intend to conduct any discovery, and does not desire or intend to participate in any legal or factual argument at trial, except as such would relate to the proposal of special jury verdict interrogatories. Specifically, the special verdict interrogatories State Farm proposes that the Court submit to the jury will ask the jury to find facts from which it can subsequently be determined whether any or all of a plaintiff's verdict in this case constitute advertising injury as that term is defined in the Contractors Policy.

(Doc. 149 at ¶ 6).

This case has been pending since April 1, 2008. Counsel for Infinity Homes and Cobblestone Homes first entered an appearance on June 12, 2008 (Doc. 8), and State Farm's reservation of rights letters were issued November 18, 2008 and July 24, 2009. The final pretrial conference is set for December 6, 2010, and trial will commence December 13, 2010. Under the circumstances, it is necessary for the court to order an expedited briefing schedule.

IT IS ORDERED that all parties shall respond to State Farm's motion to intervene (Doc. 149) no later than **Wednesday, November 24, 2010**.

DATED November 19, 2010.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge